REMARKS

In response to the Office Action dated January 20, 2011 (hereinafter "the Office Action"), claims 1, 4, 22, 23, 25-37, and 39-41 are pending. Claims 1, 22, 36, 40 and 41 have been amended. No new matter has been introduced. Reexamination and reconsideration of the present application are respectfully requested.

The applicants would like to thank the Examiner for holding the interview on March 10, 2011 to address the present application. The applicants have further amended the claims to clarify the invention.

In the January 20, 2011 Office Action, the Examiner rejected claims 1 and 4 under 35 U.S.C. § 102(e) as being unpatentable over U.S. Patent No. 7,032,177 to Novak et al. ("Novak"). The Examiner rejected claims 22-23, 25-30 and 34-37 under 35 U.S.C. § 103(a) as being obvious over Novak in view of U.S. Patent No. 7,055,166 to Logan et al. ("Logan"). The Examiner rejected claim 31 under 35 U.S.C. § 103(a) as being unpatentable over Novak, in view of Logan, and further in view of well-known prior art. The Examiner rejected claims 32 and 39-41 under 35 U.S.C. § 103(a) as being unpatentable over Novak in view of Logan, and further in view of U.S. Patent No. 5,436,653 to Ellis ("Ellis"). The applicants respectfully traverse this rejection with respect to the presently pending claims.

During the interview, applicants and Examiner agreed that the 102 rejection of the claims under Novak had been overcome and also agreed that most of the pending claims still stood rejected under the combination of Novak and Logan.

The Examiner states that Novak does not disclose the generating of downloadable instructions, configured to request a server to search, bid for, obtain

rights to and obtain media content associated with the edited video program. (Office Action, page 13). The applicants agree with the Examiner and respectfully submit that claim 36, as amended, distinguishes over Novak.

The Examiner states that Logan discloses the above-identified limitation. (Office Action, page 13). Applicants have amended the independent claims to clarify the invention. The representative limitation in independent claim 36 recites:

> receive downloadable instructions, an edited set of data and analysis data from a media producer, the downloadable instructions, **when executed, cause the home media server to search for and bid for media content, to obtain rights to the media content based on the bidding, and to obtain the media content** associated with an edited video program, the edited set of data corresponding to editing steps for assembly of the edited video program, and the analysis data corresponding to the endpoint frames of each segment used to create the edited video program.

The applicants do not believe that Logan discloses the recently amended limitation of representative claim 36. Logan, in the passages cited by the Examiner, discloses that data (or content) may be collected from a remote database. In addition, Logan discloses that a commonly shared server may send out content on demand. However, Logan does not disclose **bidding for media content and obtaining rights to the media content based on the bidding**. Logan only discloses getting or obtaining the media content. Accordingly, claim 36, as amended, distinguishes over Logan, alone or in combination with Novak.

The Examiner utilizes Ellis to disclose a method for recognition of broadcast segments. *(Office Action, page 12)*. Assuming, arguendo, that Ellis discloses all the Examiner states that it does, Ellis does not disclose the above-highlighted limitations of claim 36. Accordingly, applicants respectfully submit that claim 36, as amended,

distinguishes over Novak and Ellis, alone or in combination.

Independent claims 1 and 22, both as amended, recite limitations similar to independent claim 36. Accordingly, applicants respectfully submit that claims 1 and 22 distinguish over Novak, Logan and Ellis for the same reasons as those discussed above in regard to claim 36.

Claims 4, 23, 25-35, 37, 39, 40 and 41 depend, directly or indirectly, on claims 1, 22 and 36, as amended. Accordingly, applicants respectfully submit that claims 4, 23, 25-35, 37, 39, 40 and 41 distinguish over Novak, Logan and Ellis for the same reasons as those discussed above in regard to claims 1. .

Claims 40 and 41 further distinguish over the cited references. The Examiner states that the Novak and Logan references do not disclose the limitations of claims 40 and 41. (Office Action, pages 19-21). The relevant limitations are recited below.

> 40. ...the analysis software including instructions, which when executed cause the home media server to perform fast fourier transform (FFT) of each frame of the specified segments from the files of the multi-media content and to compare the home media server fast fourier transform (FFT) to downloaded media producer fast fourier transform (FFT) data, **wherein a correlation between the home media server fast fourier transform (FFT) and the downloaded media producer fast fourier transform (FFT) data allows the home media server to identify exact segment endpoints used to assemble the edited video program.**

> 41. ...the analysis software including instructions, which when executed cause the home media server to perform a decimation of each frame of the specified segments from the files of the multi-media content to form home media server decimated data and to compare the home media decimated data to downloaded media producer decimated data, **wherein a correlation between the home media server decimated data and the downloaded media producer decimated data allows the home media server to identify exact segment endpoints used to assemble the edited video program**

Ellis is directed to a system in which a signature representing a monitored

broadcast segment is compared against broadcast segment signatures in a database representing known broadcast segments to determine whether a match exists. (Ellis, Abstract). In addition, Ellis discloses that video and audio signals are supplied to a segment recognition subsystem 25, wherein frame signatures for each of the video and audio signals are generated which are thereafter compared to stored key signatures to determine if a match exits. (Ellis, col. 10, lines 15-32). This is not the same as the above-identified limitations of claims 40 and 41 because in claims 40 and 41, because for example, there is never a **Fast Fourier transform of each frame of the specified content generated in Ellis which is then compared to a downloaded FFT to identify exact segment endpoints**, as is recited in claim 40. The Examiner points to a that a signature extraction module206 that utilizes a FFT for generating audio frame signatures but there is never any discussion that the FFT is performed on each frame of the specified content and then that the result of the comparison is utilized to allow the home media server to identify exact endpoints used to assemble the program, as is recited in claims 40 and 41. Accordingly, applicants respectfully submit that claims 40 and 41 further distinguish over Ellis, alone or in combination, with Novak and Logan.
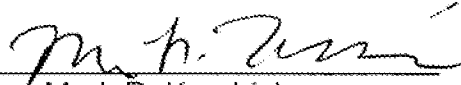
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If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at the Los Angeles, California telephone number (213) 488-7100 to discuss the steps necessary for placing the application in condition for allowance should the Examiner believe that such a telephone conference call would advance prosecution of the application.

Respectfully submitted,
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12

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